

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

ANTICIPATORY BAIL APPLICATION NO.2893 OF 2023

Suman @ Chandrabhaga Ramesh Araj ...Applicant
vs.
The State of Maharashtra ...Respondent

Mr. Dheeraj, for the Applicant
Mr. S.H. Yadav, APP, for the Respondent/State.

CORAM : N. J. JAMADAR, J.
DATE : OCTOBER 17, 2023

P.C.:

1. Heard the learned counsel for the applicant and the learned APP for the State.

2. This application is preferred seeking pre-arrest bail in connection with C.R. No. 151 of 2023 registered at Kinhavali police station for the offences punishable under sections 307, 324, 323, 504, 506 and 427 read with 34 of Indian penal Code, 1860.

3. The house and field of the applicant are adjacent to those of the first informant. There was a dispute over the applicant's son erecting a pole in the field of the first informant.

4. On 5th August, 2023 while the first informant's mother was on her way to lodge a report with the police, the applicant, her sons Sanjay and Yogesh abused the first informant's mother and assaulted the first informant Bhushan by means of fist and kick blows. When the first informant went to rescue his mother, the co-

accused Yogesh assaulted him by means of stone. Co-accused Sanjay went inside the home and brought a knife and assaulted the first informant's mother and the first informant. As the first informant and his mother sustained injuries, the neighbours came thereat and rescued them. The first informant's mother sustained grievous injury as her nose was cut off. Hence, the report.

5. The learned counsel for the applicant submitted that the applicant is a 63 years old lady. She had no role in the alleged occurrence. She has been roped in for being the mother of the co-accused Sanjay and Yogesh.

6. The learned APP, on the other hand, submitted that the mother of the first informant has sustained grievous injury. The first informant and his mother were assaulted in furtherance of the common intention of the applicant as well. Therefore, the applicant does not deserve the exercise of discretion.

7. I have carefully perused the allegations in the first information report. It seems that when the initial altercation ensued, the mother of the first informant was allegedly assaulted by fist and kick blows by co-accused Sanjay and Yogesh. After the first informant came at the scene of occurrence, the co-accused Sanjay went inside the house and returned armed with a knife and, thereafter, assaulted the mother of the first informant and the first

informant by means of said knife.

8. In the circumstances, whether the applicant also shared a common intention to cause grievous hurt to the first informant and the injured by means of deadly weapon would be debatable. Prima facie, there is no allegation of assault qua the applicant. The applicant is a 63 year old woman. Possibility of fleeing away from justice and tampering with the evidence seems remote. I am, therefore, inclined to exercise the discretion in favour of the applicant.

9. In the event of arrest in C.R. No.151 of 2023 registered with Kinhavali police station, the applicant Suman @ Chandrabhaga Ramesh Araj be released on bail on furnishing a P.R. bond in the sum of Rs.30,000/- with one or two sureties in the like amount.

10. The applicant shall cooperate with the investigation and attend Kinhavali police station, on 25th, 26th and 27th October, 2023 in between 10 am to 1 pm and, thereafter, as and when directed.

11. The applicant shall not tamper with the prosecution evidence and give threat or inducement to first informant, any of the prosecution witnesses or any person acquainted with the facts of the case.

12. The applicant shall regularly attend the proceedings before

the jurisdictional Court.

13. It is clarified that these prima facie observations are confined to determine entitlement to pre-arrest bail only.

Application disposed.

(N. J. JAMADAR, J.)